

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

READING ROCK NORTHEAST, LLC,	:	Case No. 1:21-cv-00172
	:	
Plaintiff,	:	Judge Michael R. Barrett
	:	
v.	:	JOINT MOTION TO REALIGN THE
	:	PARTIES
WILLIAM N. RUSSELL, III et al.,	:	
	:	
Defendants.	:	

The parties jointly move to realign the parties to treat William N. Russell III as the plaintiff and Reading Rock Northeast, LLC as the defendant. The parties raised this issue with the Court at a status conference on August 17, and the Court indicated that it would so order, but the Clerk has asked the parties to submit a joint motion rather than merely an agreed entry.

The reason that realignment is appropriate is that this case was opened after the District of New Jersey severed and transferred to this Court counts two and three of Russell's counterclaims, due to a forum-selection clause specifying that those claims be litigated in Ohio. See March 8, 2021 Opinion (Doc. No. 29). The effect of the severance and transfer is that the only claims currently pending in this Court are Russell's "counterclaims." Realigning the parties would harmonize the parties' roles and the case caption with the substance of the case. Realignment would not affect the Court's jurisdiction because the only two parties are fully diverse.

Respectfully submitted:

/s/ Joshua M. Smith

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served on all counsel of record via CM/ECF this 4th day of October 2021.

/s/ Jeffrey M. Nye
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